

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.26508 OF 2000

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the order passed by the 1st respondent in PD/6328/99(iii)/3593, dated 28.7.2000 confirming the order passed by the 2nd respondent in PD/6328/99(iii)/1016, dated 21.2.2000, whereunder punishment of stoppage of five annual grade increments with cumulative effect with all financial implications was imposed on the petitioner, as illegal and arbitrary.

2. Heard Sri O. Manohar Reddy, learned Counsel for the petitioner and Sri Borra Siva Sankara Rao, learned Standing Counsel for the respondents.

3. It is the case of the petitioner that on the allegations that while he was working as Deputy Plantation Manager, Mutyalapalem Bit-A and Karlapalem, cashew estate of Kavali Division, he colluded with the highest bidder of Karlapalem cashew estate and allowed him for cultivation of certain crops in cashew plantation, a regular departmental enquiry was conducted against him and that the 2nd respondent imposed punishment of stoppage of five annual grade increments with cumulative effect with all financial implications by order dated 21.2.2000, aggrieved by which, he filed an appeal before the 1st respondent and the 1st respondent passed an order confirming the order passed by the 2nd respondent. Hence, the petitioner filed the present writ petition.

4. It has been contended by the learned Counsel for the petitioner that the disciplinary authority as well as the appellate authority passed very

cryptic orders of punishment and that the said orders were not supported by any reasons. The learned Counsel for the petitioner while drawing the attention of this Court submitted that in similar case an order was passed by this Court in W.P.No.25344 of 2000 in respect of another employee of the very same Corporation and this Court set aside the order passed by the appellate authority while directing the appellate authority to consider the matter afresh and pass an appropriate speaking order. A copy of the said order was furnished to the learned Standing Counsel for the respondents.

5. Both the Counsel submitted that the issue involved in the present writ petition is covered by the order passed by this Court in W.P.No.25344 of 2000, dated 7.7.2006, and therefore, this writ petition can be disposed of in terms thereof.

6. Accordingly, the Writ Petition is disposed of setting aside the order passed by the 1st respondent-appellate authority dated 28.7.2000 and directing the 1st respondent to pass an appropriate speaking order afresh, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI.J)

23rd November, 2017
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